



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

June 12, 2013

Adolfo Bautista Corro
6170 Southside Drive
Los Angeles, CA 90022

**REGARDING: PROJECT NO. R2012-02979-(1)
CONDITIONAL USE PERMIT NO. 201200167
5719 WHITTIER BLVD., LOS ANGELES (APN: 6342-029-016)**

The Regional Planning Commission, by its action of **June 12, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **June 26, 2013**. **Appeals must be delivered in person.**

Appeals:

To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Kristina Kulczycki of the Zoning Permits East Section at (213) 974-6435, or by email at kkulczycki@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement

MM:KK

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02979-(1)
CONDITIONAL USE PERMIT NO. 201200167**

1. **ENTITLEMENT REQUESTED.** The applicant, Adolfo Bautista Corro, is requesting a Conditional Use Permit (CUP) to authorize the sale of a full-line of alcohol for on-site consumption in conjunction with an existing restaurant and bar pursuant to County Code Section 22.28.210 in the C-3 (Unlimited Commercial) Zone.
2. **HEARING DATE.** June 12, 2013
3. **PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION.** A duly noticed public hearing was held on June 12, 2013 before the Regional Planning Commission. Commissioners Valadez, Louie, Helsley, and, Modugno were present. Commissioner Pedersen was absent. The applicant, Adolfo Bautista Corro, and two of his representatives presented testimony in favor of the request and answered questions presented by the Commission. Concerns were raised by Commissioner Valadez and Commissioner Modugno that the change in license type may be significant enough to alter the atmosphere of the establishment and encourage the conversion of the restaurant into a bar. Conditions were added to address these concerns including: limiting hours of alcohol sales, requiring food to be sold concurrently with the sale of alcohol, increasing the security guard hours, requiring more Zoning Enforcement inspections, and notifying the Sheriff of any upcoming events at the property. There being no further testimony, the Commission closed the public hearing and approved the project subject to the conditions recommended by staff with the Commission's recommended changes.
4. **PROJECT DESCRIPTION.** The applicant is requesting a CUP for the sale of a full-line of alcohol for on-site consumption (Type 47) within an existing restaurant and bar. The establishment currently holds a license from the California Department of Alcoholic Beverage Control (ABC) to sell beer and wine on-site (Type 41), and that license was issued prior to the adoption of the County's requirement for a CUP to sell alcohol. The applicant is requesting to expand the sale of alcohol to a full-line, and the expansion triggers the requirement for a CUP.
5. **LOCATION.** The existing restaurant and bar is located at 5719 Whittier Boulevard in the unincorporated community of East Los Angeles.
6. **SITE PLAN DESCRIPTION.** The subject property is 0.13 acres in size and is developed with a two-story building that fronts along Whittier Boulevard. The building contains the restaurant and bar on the first floor and a two-family residence on the second floor. An existing paved parking lot is located behind the building and is accessed from the alley in the rear of the lot.

7. **EXISTING ZONING.** The subject property is zoned C-3 (Unlimited Commercial Zone) in the Eastside Unit 1 Zoned District and is located within the East Los Angeles Community Standards District (CSD).

Surrounding properties are zoned as follows:

North: R-3 (Limited Multiple Residence)

South: R-3 and City of Commerce (C-2 Unlimited Commercial and C/M1 Commercial Manufacturing)

East: C-3

West: C-3

8. **EXISTING LAND USES.** The subject property is developed with a two-story building containing a bar and restaurant on the first floor and a two-family residence on the second floor.

Surrounding properties are developed as follows:

North: Single-family and multi-family residences, a church, and a pre-school

South: Commercial, industrial, and multi-family residences

East: Offices, commercial, a single-family residence, and a two-family residence

West: Commercial

9. **CASES/ZONING HISTORY.** Ordinance No. 1690 was adopted by the Board of Supervisors on June 24, 1929, and established the M-1 (Factory) zone on the subject property.

Regional Planning does not have any record of approval for the construction of the building; however, the Los Angeles County Assessor's Building Description Blanks identify the construction of a double bungalow over stores in 1939. Building Permit records indicate that the stores were converted into a café in 1941.

Nonconforming Review Number 86-064 was approved by the Regional Planning Commission on May 14, 1986, to allow accessory live entertainment in conjunction with the existing bar and restaurant to continue until 1996.

Ordinance No. 880153Z was adopted by the Board of Supervisors on September 13, 1988, and changed the zoning on the property to C-3.

Ordinance No. 92-0097 was adopted by the Board of Supervisors on September 8, 1992, and added the requirement for an approved Conditional Use Permit to sell alcohol for on-site and off-site consumption in the commercial and industrial zones.

Nonconforming Review Number 96-196 was denied by the Regional Planning Commission on June 18, 1997, for the continued use of accessory live entertainment in conjunction with an existing restaurant and bar. On November 25, 1997, the Board of Supervisors denied the appeal by the applicant and sustained the Regional Planning Commission's decision.

10. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project is consistent with the General Plan and applicable community plan for the area. The project site is located within the MC (Major Commercial) land use category of the East Los Angeles Community Plan. This designation is intended for areas containing mixtures of small and large businesses in major areas oriented toward the greater East Los Angeles area. The existing restaurant and bar is located along Whittier Boulevard, a major commercial corridor, and serves the greater East Los Angeles area. Therefore, the restaurant and bar is consistent with the permitted uses of the underlying land use category. The two-family residence on the second floor is considered a legal, nonconforming use with reference to the East Los Angeles Community Plan because the two-family residence was established prior to the adoption of the East Los Angeles Community Plan. The sale of alcoholic beverages is ancillary to the commercial business and is therefore consistent with the allowed uses of the underlying land use category.

The following policy of the General Plan is applicable to the proposed project:

Maintain and conserve sound existing development. (Policy 20, Page I-21)

The restaurant and bar has been in operation for over thirty years and is not proposing any changes to the existing floor plan. Only the alcohol sales license type will change with the approval of this Conditional Use Permit. The project will help to ensure the on-going viability of the existing business, thus helping to maintain the existing development.

The following policy of the East Los Angeles Community Plan is applicable to the proposed project:

Promote coordination and development of existing businesses and encourage upgrading to improve their economic status. (Economic Development, page 5)

Allowing the existing restaurant and bar to obtain a permit for the sale of a full-line of alcohol will help to ensure the on-going financial viability of the existing business.

11. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** Pursuant to Section 22.28.210 of the County Code, an approved Conditional Use Permit is required in the C-3 zone for establishments that currently sell alcoholic beverages, but which propose to change the type of alcoholic beverages to be sold by changing the type of retail liquor license within a license classification. The applicant proposes to change from a Type 41 license that allows the sale of beer and wine for on-site consumption to a Type 47 license that allows for the sale of a full-line of alcoholic beverages. Section 22.28.220 of the County Code identifies the following development standards for establishments in the C-3 zone:

Parking

Part 11 of Chapter 22.52 sets the current parking standards for various uses. Section 22.52.1110 requires restaurants and bars to maintain one automobile parking space for each three persons based on the occupant load as determined by the county engineer. Section 22.52.1180 requires one and one-half covered, plus one half uncovered standard parking spaces for each two-family residence. The previous occupancy load determination for the restaurant and bar was 82, therefore a total of 27 parking spaces would be required for the business under current standards. For a two-family residence, one and one half covered parking spaces plus one half uncovered parking spaces are required for each unit. Therefore, three covered parking spaces plus one uncovered parking space would be required for the two-family residence under current standards. A total of 31 parking spaces would be required based on current standards (28 uncovered and 3 covered parking spaces). However, prior to 1943, no regulations in the County Code set a minimum number of parking spaces required for specific uses. The building was constructed in 1939, and the existing parking lot contains 9 nonconforming parking spaces. Because the site was in compliance with the parking requirements at that time it was established, and because there are no additions or changes in use proposed, no requirements for additional parking are triggered. Therefore, the applicant satisfies the parking requirements applicable to the project.

Outside Display

All display shall be located entirely within an enclosed building, with certain exceptions, unless otherwise authorized by a temporary use permit. Additionally, outside storage is permitted on the rear of a lot or parcel of land when such storage is strictly incidental to the permitted use. The applicant is not proposing outside display or storage as part of this request.

Lot Coverage and Landscaping

Maximum lot coverage is 90 percent of the net area and a minimum of 10 percent of the net area shall be landscaped with a lawn, shrubbery, flowers and/or trees, which shall be continuously maintained in good condition. The site was zoned M-1 when the building was first constructed and this property was not rezoned to C-3 until 1988. Furthermore, the 10 percent net lot area landscaping requirement was not adopted until 1983 by Ordinance Number 83-0161. Therefore, no landscaping was required at the time of construction. Although not subject to the 10 percent landscaping requirement, and although the applicant is unable to landscape 10 percent of the net lot area, he has agreed to provide a landscaped area in front of the building as depicted on the attached Exhibit "A" plans.

Pursuant to Section 22.44.118 of the County Code, establishments in the East Los Angeles Community Standards District (CSD) are subject to the following development standards:

Signage

No signage is proposed as a part of this project.

Height

The maximum height permitted in the C-3 zone shall be 40 feet. The existing building height is 26 feet and 4 inches and therefore, the building height is consistent with the development standard listed in the CSD.

Multiple-Tenant Commercial

The multiple-tenant commercial requirements listed in the CSD only apply to projects with more than five tenants in a building without permanent floor-to-ceiling walls separating each business. The subject building only contains the restaurant and the two-family residence. Therefore, the standards for multiple-tenant commercial projects do not apply to this project.

Landscaping and Buffering

Pursuant to current County Code requirements, parking areas adjacent to a property line shall provide a five-foot landscaping buffer. Additionally, a landscaping buffer of five feet will be required when a commercial zone abuts a residence or residential zone. Landscaping shall be provided and maintained in a neat and orderly manner. A 15-gallon tree shall be provided for every 50 square feet of landscaped area and will be equally spaced along the buffer strip. Permanent irrigation systems shall be required and maintained in good working order. A solid masonry wall not less than five feet nor more than six feet in height shall be provided along the side and rear property lines. Since the site was constructed prior to these requirements and no changes are proposed to the existing floor plan, these regulations do not apply to this project. Nevertheless, the applicant will provide landscaping in front of the building as shown on the attached Exhibit "A."

Loading

The CSD states that loading doors and activity shall be located away from adjacent residences where practical. Pursuant to Section 22.52.1084 of the County Code, no loading area is required for this site.

12. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The subject property is located along a commercial corridor with a variety of commercial uses along both sides of Whittier Boulevard. Sensitive uses within a 600-foot radius of the subject property include: a church and a pre-school over 500 feet north of the subject property. There are single-family and multi-family residences to the north, east, and south of the property as well as a two-family residence on the subject property. The residential properties to the north and south of the subject property are zoned R-3, which allows for high density residential development. Furthermore, an alley separates the subject property from the residential properties and acts as a buffer between the sensitive uses and the subject property.

The restaurant and bar has been in operation for over 30 years and currently sells beer and wine on-site with a Type 41 license, which was originally issued to the restaurant and bar in 1982 according to ABC's license query system. In 1992, the

County began requiring approved Conditional Use Permits for the sale of alcohol in commercial zones. Pursuant to Section 22.56.195 of the County Code, establishments that currently sell alcoholic beverages but which propose to change the type of alcoholic beverages to be sold, by changing the type of retail liquor license within a license classification will require a new Conditional Use Permit and must substantiate the findings listed within Section 22.56.195 (B) and 22.56.090 of the County Code. If this Conditional Use Permit is granted for the sale of a full-line of alcohol, the CUP will replace and supersede the previously "grandfathered" grant to sell beer and wine for on-site consumption under the license that predated the County's CUP requirement.

According to ABC, there is no undue concentration of alcohol serving establishments within the census tract. However, this property is within a high crime reporting district, and therefore a finding of public convenience and necessity is required. The supermarket across the street from the subject property known as "El Super" is the only establishment that sells alcohol within 500 feet of the subject property and has a Type 21 license which allows for a full-line of alcohol to be sold for off-site consumption. The Sheriff provided a summary of calls for service to this property within the last five years. Although there were calls for service, with the attached conditions, the sale of alcohol within the existing restaurant and bar will not adversely affect the health, peace, comfort or welfare of persons residing or working in the area, or endanger or otherwise constitute a menace to the public health, safety or general welfare.

13. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** Correspondence dated February 7, 2013 was received from the Los Angeles County Sheriff's Department East Los Angeles Station. According to the letter, a five year query of calls for service identified a few calls for disturbances and false burglary alarm calls. Additionally, the Sheriff indicated that there was one shooting of a patron who exited the restaurant and was on the phone in the alley.

The Sheriff expressed concerns with the following issues: excessive alcohol consumption on the premises, intoxicated persons congregating outside of the building, and noise. The Sheriff has also requested that management contact the local law enforcement if problems start and would like to be informed about any planned special events. The project, as conditioned with the following requirements, will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area:

- Within 90 days of the date of final approval of this grant, the permittee shall develop and implement a Designated Driver program (e.g., free soft drinks or coffee to a designated driver of a group). Prior to implementing the program, the permittee shall submit the program to the Director of Regional Planning for approval. A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu;
- Food service shall be continuously provided during operating hours;

-Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary

-The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public; and

-There shall be no music or other noise audible beyond the restaurant premises.

14. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** There are currently five ABC licenses in this census tract, three are allowed. ABC data indicates that the substitution of a license to allow for the sale of a full line of alcoholic beverages at the restaurant and bar, which will replace the current beer and wine only license, will not create an undue concentration within the census tract because the license count for the census tract is not increasing.

However, statistical data from the ABC report that the site of the subject request is located in a high crime reporting district. The subject property is in Reporting District 286. The average number of offenses is 151.74 and the actual number of crimes reported for District 286 is 729. The subject property is located within Census Tract 5317.01. Therefore, ABC requires a finding of public convenience or necessity in order to issue authorization to allow for alcohol sales. The granting of this CUP to sell a full-line of alcohol for on-site consumption at an existing restaurant and bar will continue to serve as a public convenience to the surrounding neighborhood and patrons of the establishment, and is a complementary use for the restaurant and bar. There are no restaurants or bars within 500 feet of the subject property that sell a full line of alcohol for on-site consumption. Therefore, the sale of alcohol by the applicant will provide a customary accompaniment to the food prepared and sold in the existing restaurant and bar.

15. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
16. **PUBLIC COMMENTS.** No comments were received regarding this project.

CONDITIONAL USE PERMIT SPECIFIC FINDINGS

17. The Major Commercial land use designation is intended for small businesses, like the existing restaurant and bar. The sale of alcoholic beverages is ancillary to the business and is therefore consistent with the allowed uses of the underlying land use category.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

18. The restaurant and bar has been in continuous operation for over 30 years and the business is currently selling beer and wine with a license issued by ABC. The only change to the site will be the substitution of a license to sell a full-line of alcohol for on-site consumption in place of the existing license allowing for beer and wine sales. Enhanced safety measures, such as requiring the addition of security guards and security cameras, are included in the conditions of approval in order to provide elevated measures of safety for the protection of the restaurant patrons and the local community.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

19. The building that houses the restaurant and bar was constructed in 1939 and met development standards at that time. There are no alterations proposed to the building or the site other than the substitution of a full-line of alcohol sales, in place of the existing beer and wine sales, and landscaping in front of the building. All applicable development standards are being met on-site.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

20. The subject business fronts Whittier Boulevard, which was designated as a major highway by the Department of Public Works. Additionally, there is access to the parking lot in the rear of the property from the alley. Alternate modes of transportation are also available; there is a bus stop in front of the adjacent business and the Master Plan of Bikeways proposes this portion of Whittier Boulevard as a Class 3 Bike Path.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ALCOHOLIC BEVERAGE SALES CONDITIONAL USE PERMIT SPECIFIC FINDINGS

21. The only sensitive uses within 600 feet of the subject property are a pre-school and a church, however they are located over 500 feet north of the restaurant and bar.

There are also residences between the subject property and the two sensitive uses, but there is sufficient buffering provided by the alley and the parking lot.

Therefore, the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius.

22. An alley and the parking lot of the subject business provide a buffer between the residential area and the restaurant with bar. The conditions of approval require that no music or other noise be audible beyond the restaurant premises. A security guard will also be provided during peak hours on Friday and Saturday nights to monitor the site and the alley area adjacent to the business.

Therefore, the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.

23. ABC concluded that the issuance of a license for the sale of a full-line of alcohol at the subject premises will not result in an undue concentration because the business currently holds a license for the sale of beer and wine. The issuance of a Type 47 license to this establishment will not increase the number of licenses within the census tract. While there is one other business selling alcohol within 500 feet of the subject property, the other location is a supermarket and only has a license for the sale of a full-line of alcohol for off-site consumption.

Therefore, the requested use at the proposed location will not result in an undue concentration of similar premises;

24. The restaurant and bar has been in existence for many years and is the only establishment selling alcohol for on-site consumption within a 500-foot radius. The surrounding businesses are complementary to the restaurant. Many local businesses in the vicinity are: offices, commercial retailers, and service-oriented businesses where employees, clients, or shoppers may benefit from a sit-down restaurant around lunch and dinner time.

Therefore, the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.

25. No changes are proposed to the subject property's building. The adjacent buildings have similar front yard setbacks to the subject property. This restaurant and bar has a nicely maintained façade and the applicant is proposing to add new landscaping in front of the building.

Therefore, the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

ENVIRONMENTAL DETERMINATION

26. The Class 1 Categorical Exemption allows for the operation of existing facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The applicant's request does not include any changes to the existing floor plan of the building.

Therefore, the Regional Planning Commission determines that the project is exempt from the California Environmental Quality Act pursuant to a Class 1-Existing Facilities categorical exemption.

27. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Regional Planning Commission determines that it is necessary to limit the term of the grant to fifteen (15) years.
28. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Regional Planning Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

- E. That the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius; and
- F. That the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area; and
- G. That the requested use at the proposed location will not result in an undue concentration of similar premises; a separation of not less than 500 feet shall not be construed as undue concentration; provided, however, that the planning agency may find that the public convenience or necessity for an additional facility selling alcoholic beverages for off-site consumption, outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages for either on-site or off-site consumption, in which case the shelf space devoted to alcoholic beverages shall be limited to not more than five percent of the total shelf space in the establishment; and
- H. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a Conditional Use Permit as set forth in Sections 22.56.090 and 22.56.195 the Los Angeles County Code (Zoning Ordinance).

REGIONAL PLANNING COMMISSION ACTION:

1. The Regional Planning Commission determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit Number 201200167 is **APPROVED** subject to the attached conditions.

VOTE: 4:0:0:1

Concurring: Valadez, Louie, Helsley, and Modugno

Dissenting: 0

Abstaining: 0

Absent: Pedersen

Action Date: June 12, 2013

MM:KK
6/12/13

c: Each Commissioner, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-02797-(1)
CONDITIONAL USE PERMIT NO. 201200167**

PROJECT DESCRIPTION

The project is for a Conditional Use Permit (CUP) to authorize the sale of a full-line of alcohol for on-site consumption in conjunction with an existing restaurant and bar subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9, shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on June 12, 2028.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit (CUP) application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the restaurant with bar and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The

permittee shall deposit with the County the sum of **\$2,000.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **five (5) annual inspections followed by five (5) biennial (one every other year) inspections**. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies of** a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

PERMIT SPECIFIC CONDITIONS

18. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
19. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
20. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program, or other similar program, provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facilities' training program by employees, the licensee and all managers shall be available upon request.
21. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences, or similar structures.
22. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
23. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.

24. There shall be no consumption of alcoholic beverages outside the designated areas of the subject facility. The permittee shall instruct all designated employees, who directly serve or are in the practice of selling alcoholic beverages, regarding this restriction. Employees shall be instructed to enforce such restrictions and to call local law enforcement as necessary.
25. Within 90 days of the date of final approval of this grant, the permittee shall develop and implement a Designated Driver program (e.g., free soft drinks or coffee to a designated driver of a group). Prior to implementing the program, the permittee shall submit the program to the Director of Regional Planning for approval. A printed two-sided card explaining this program shall be placed on all tables in the restaurant or an explanation regarding the program shall be printed on the menu.
26. All servers of alcoholic beverages must be at least 18 years of age.
27. There shall be no music or other noise audible beyond the restaurant premises.
28. No live entertainment, dancing, or dance floor is authorized in or outside the premises.
29. Alcoholic beverages shall be sold to customers only when food is ordered and consumed within the subject restaurant only.
30. Food shall be continuously provided during operating hours.

PROJECT SITE SPECIFIC CONDITIONS

31. This grant shall authorize the sale of a full-line of alcohol for on-site consumption in conjunction with an existing bar and restaurant.
32. This grant authorizes the sale of alcoholic beverages from 10:00 a.m. to 10:00 p.m. on Monday through Thursday and from 10:00 a.m. to midnight on Friday through Sunday.
33. The permittee shall cause a trained security guard to police the alley to the rear of the bar at least once every hour between 6:00 p.m. and closing on weekend evenings (Friday through Sunday) to check and report on any patron disturbance to the Sheriff's office and to remove any litter left by patrons.
34. The permittee shall notify the Sheriff of any planned events at the subject establishment at least two weeks in advance and shall maintain record of such notification which shall be available to Zoning Enforcement staff upon request.
35. At least one on-site security camera shall be maintained in good operating condition near the front and rear entrances of the first floor establishment and shall be in operation during regular business hours. Footage from the security cameras

shall be retained for at least one month, during which time shall be made available to law enforcement upon request.

36. All parking lot and other exterior lighting shall be hooded and directed away from neighboring residences to prevent direct illumination and glare, and shall be turned off within thirty minutes after conclusion of activities, with the exception of sensor-activation security lights and/or low level lighting along all pedestrian walkways leading to and from the parking lot.
37. The permittee shall make an irrevocable offer to dedicate to the County of Los Angeles that portion of the subject property within 15 feet of the centerline of the alley to the rear of the subject property to the satisfaction of the Department of Public Works.